

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

UNITED STATES OF AMERICA,  
Government,

VS.

TERRELL CHARLES FRYAR,  
Defendant.

)  
)  
)  
)  
)  
)  
)

CAUSE NO. 1:23-CR-020-H-1

-----  
SENTENCING HEARING  
BEFORE THE HONORABLE JAMES WESLEY HENDRIX,  
UNITED STATES DISTRICT JUDGE

APRIL 18, 2024  
LUBBOCK, TEXAS  
-----

A P P E A R A N C E S

FOR THE GOVERNMENT:  
UNITED STATES ATTORNEY'S OFFICE  
1205 TEXAS AVENUE, SUITE 700  
LUBBOCK, TEXAS 79401  
BY: JEFFREY R. HAAG

FOR THE DEFENDANT:  
LAW OFFICE OF MARK A. HOAK  
ATTORNEYS AT LAW  
1307-B WEST ABRAMS STREET, SUITE 211  
ARLINGTON, TEXAS 76013  
BY: MARK A. HOAK

FEDERAL OFFICIAL COURT REPORTER: MECHELLE DANIEL, 1205 TEXAS  
AVENUE, LUBBOCK, TEXAS 79401, (806) 744-7667.

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY; TRANSCRIPT  
PRODUCED BY COMPUTER-AIDED TRANSCRIPTION.

*Mechelle Daniel, Federal Official Court Reporter  
(806) 744-7667*

INDEX

DEFENDANT'S ALLOCUTION.....	10
GOVERNMENT'S SENTENCING EVIDENCE/ARGUMENT.....	11
SENTENCING FACTORS.....	12
SENTENCE BY THE COURT.....	15
RIGHT TO APPEAL.....	19
REPORTER'S CERTIFICATE.....	22

\* \* \* \* \*

## P R O C E E D I N G S

THE COURT: The Court calls the next case on the docket, United States vs. Terrell Charles Fryar, 1:23-CR-020-1.

who is here on behalf of the defendant?

MR. HOAK: Mark Hoak, Your Honor.

THE COURT: Good morning, Mr. Hoak.

For the United States?

MR. HAAG: Jeffrey Haag on behalf of the United States. Ready to proceed, Your Honor.

THE COURT: Thank you, Mr. Haag.

Mr. Fryar, good morning.

THE DEFENDANT: Good morning.

THE COURT: would you please tell me your full name, sir.

THE DEFENDANT: Terrell Charles Fryar.

THE COURT: Thank you, Mr. Fryar.

This hearing follows the defendant's guilty plea and request that the Court accept the plea agreement. That plea agreement contains a Rule 11(c)(1)(C) agreement for a sentence that would not be able to exceed 188 months, or approximately a little over 15 and a half years.

Mr. Fryar, you previously appeared before Magistrate Judge Parker back in late September. You entered a plea of guilty to Count 1 of the superseding information that charged you with distribution and possession with intent to

1 distribute methamphetamine.

2 Judge Parker found that your guilty plea was  
3 knowing and voluntary and supported by a sufficient factual  
4 basis, so he recommended that I accept the guilty plea. And I  
5 did do that. I did reserve judgment on whether to accept the  
6 plea agreement. On October 17th, I entered an order accepting  
7 your guilty plea, and I did adjudge you guilty of the crime  
8 alleged in the superseding information.

9 The statutory sentencing range here, sir, or the  
10 total possible range of punishment, is a term of imprisonment  
11 of not more than 20 years; a fine of \$1 million, or both; and a  
12 period of supervised release of at least 3 years, and up to  
13 life.

14 I inform the parties that I intend to deny Docket  
15 Number 72. Docket Number 72 is simply just not justified in  
16 light of everything that's before me.

17 So by my calculations--and then I'll hear the  
18 parties out on this if they'd like to be heard. But by my  
19 calculations, the advisory guideline range typically would be  
20 235 to 293 months' imprisonment. But because the statutory  
21 maximum here is 240 months, the advisory guideline range  
22 becomes 235 to 240 months' imprisonment.

23 But if I were to accept your plea agreement, I  
24 would be required to impose a sentence of no greater than  
25 188 months, which represents about a 20-percent reduction from

1 that advisory guideline range.

2 I do have concerns about the (c)(1)(C) agreement.  
3 I am required by statute to impose a sentence that is  
4 sufficient, but not greater than necessary, to comply with the  
5 purposes of sentencing set forth in Section 3553(a)(2), and to  
6 consider all the sentencing factors in that statute, which I  
7 have and will do.

8 In particular, the sentence must reflect the  
9 seriousness of the offense; it has to promote respect for the  
10 law, provide a just punishment, afford adequate deterrence, and  
11 protect the public.

12 would the parties like to be heard before I make my  
13 final decision on whether to accept or reject the plea  
14 agreement? Mr. Haag?

15 MR. HAAG: Your Honor, we believe we have fully  
16 briefed the reasons for the Rule 11(c)(1)(C) agreement in  
17 Documents 65 and 72, and we just rely on that argument.

18 THE COURT: Okay. And I have read those and will  
19 consider them.

20 Mr. Hoak?

21 MR. HOAK: We join in with the government. No  
22 argument on that point, Judge.

23 THE COURT: All right. Thank you, Mr. Hoak.

24 The Court concludes and finds that the capped  
25 188-month sentence that would be required by the plea agreement

1 would not be sufficient to capture the 3553(a) factors. The  
2 offense here is serious and significant. The evidence I have  
3 before me regarding your conduct while on pretrial detention is  
4 also particularly concerning.

5           Regarding the offense, officers conducted multiple  
6 controlled buys of methamphetamine from you, and they  
7 discovered nearly 2 kilograms of methamphetamine (actual) in  
8 your vehicle during the traffic stop. That conduct comes after  
9 a prior federal conviction and sentence for conspiracy to  
10 manufacture methamphetamine, and for that prior federal  
11 conviction, you were originally sentenced to 151 months'  
12 imprisonment.

13           I wish that sentence had deterred you from  
14 additional criminal conduct. It obviously didn't. It was  
15 insufficient to deter you.

16           And I am, again, particularly concerned with your  
17 conduct while incarcerated for this offense; in particular, the  
18 evidence related to your interactions with C.G. The brazenness  
19 of those actions continuing while you are awaiting federal  
20 sentencing demonstrates your dangerousness to the community and  
21 the need to further deter you and protect the public.

22           Finally, the bottom end of your advisory guideline  
23 range, by my calculations anyway, is 235 months, which is  
24 significantly above the top of the sentence that I can impose  
25 under the (c)(1)(C) agreement. I do recognize the

1 circumstances pointed out by the United States in those  
2 documents that were referenced, but I do not find that there is  
3 substantially mitigating circumstances here or circumstances to  
4 justify the plea agreement in light of everything that I have  
5 before me.

6 So after careful review, I inform the parties that  
7 the plea agreement is rejected. It would not adequately or  
8 reasonably capture all of the 3553(a) sentencing factors. A  
9 sentence of up to 15 and a half years would be a downward  
10 departure or variance from the guidelines, and I find that it  
11 would be unreasonable under the circumstances.

12 All right. So, Mr. Fryar, thank you for your  
13 patience with that. I'm required to explain that to all of  
14 you. I now need to tell you some of your rights under the  
15 rules that we use here.

16 You do have the right to withdraw your guilty plea  
17 because I have rejected your plea agreement. So I inform you  
18 that, because I have just rejected your plea agreement, I'm not  
19 required to follow it, so I can dispose of your case less  
20 favorably than the plea agreement contemplated.

21 Now, Mr. Hoak, how does your client intend to  
22 proceed today? Does he plan to withdraw his plea of guilty?

23 MR. HOAK: We intend to proceed, Your Honor.

24 THE COURT: All right. Mr. Fryar, is that right?  
25 Do you plan to proceed with your plea of guilty?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. Is anybody making you do that or  
3 forcing you into that decision?

4 THE DEFENDANT: No, sir.

5 THE COURT: All right. Typically, because the  
6 defendant has not withdrawn a guilty plea, I would issue a new  
7 order setting sentencing. But I've been informed that the  
8 parties wish to proceed with sentencing today.

9 Is that right, Mr. Hoak?

10 MR. HOAK: Yes, sir.

11 THE COURT: Is that right, Mr. Haag?

12 MR. HAAG: Yes, Your Honor.

13 THE COURT: Okay. All right. Then the Court will  
14 proceed with sentencing today.

15 All right. Mr. Hoak, have you had an opportunity  
16 to read the presentence report and discuss it with your client?

17 MR. HOAK: Yes, sir.

18 THE COURT: Mr. Fryar, is that right? Have you had  
19 an opportunity to read your presentence report and discuss it  
20 with your attorney?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You understand that we're here so the  
23 Court can decide what sentence to impose?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. Mr. Hoak, do you have any



1 objections to the presentence report?

2 MR. HOAK: No, sir. No, sir.

3 THE COURT: All right. Any objections from the  
4 United States?

5 MR. HAAG: No, Your Honor.

6 THE COURT: Okay. I understand that the parties  
7 are asking the Court to use the lower drug amount of  
8 2,033.95 grams of methamphetamine (actual).

9 Is that right, Mr. Hoak?

10 MR. HOAK: That's correct.

11 THE COURT: That's correct, Mr. Haag?

12 MR. HAAG: That is correct, Your Honor.

13 THE COURT: All right. The Court will do that. I  
14 think that's a reasonable request. Initially, the government  
15 believed that that lower amount would result in an advisory  
16 guideline range of 32, but a new acceptance was filed by the  
17 United States recognizing that this is methamphetamine  
18 (actual), not a mixture containing methamphetamine, and so the  
19 PSR correctly has the offense level at 36, with an advisory  
20 guideline range of 235 to 240 months.

21 Is that right, Mr. Haag?

22 MR. HAAG: That is correct, Your Honor.

23 THE COURT: Is that correct, Mr. Hoak?

24 MR. HOAK: Yes, sir.

25 THE COURT: Okay. All right. well, hearing no

1 objections, the Court adopts the PSR's factual findings and  
2 legal conclusions as my own.

3 The statutory sentencing range, or the total  
4 possible range of punishment here, Mr. Fryar, is a term of  
5 imprisonment of not more than 20 years; a fine of \$1 million,  
6 or both; and a period of supervised release of at least  
7 3 years, and up to life.

8 Under the guidelines manual, we have a total  
9 offense level of 35; your criminal history category is IV. And  
10 again, typically, that would be a sentencing--advisory  
11 sentencing range of 235 to 293, but we're capped at 240, so  
12 your advisory range becomes 235 to 240.

13 Again, I am denying Docket Number 72.

14 Mr. Hoak, I'd be glad to hear any evidence or  
15 argument you have on behalf of your client.

16 MR. HOAK: We have none.

17 THE COURT: All right. Mr. Fryar, I have reviewed  
18 all these materials. I'm familiar with this case. I know it's  
19 the first time you and I are seeing each other, but I am ready  
20 to proceed.

21 You do have the right to tell me anything you would  
22 like to tell me. You don't have to say anything, and I won't  
23 hold it against you if you don't.

24 Is there anything you'd like to say, sir?

25 THE DEFENDANT: Yeah. I'm really nervous, but--

1 THE COURT: Take your time.

2 THE DEFENDANT: I just want the Court to know  
3 that-- Excuse me. I'm sorry. I'm sorry.

4 My-- I don't know. I don't know. I'm just--I'm  
5 really ashamed of myself for being here. When I was released  
6 from prison last time, I had really began to build a good life.  
7 And there was some counseling and things that I got while I was  
8 at Lexington. I could really understand my addiction for the  
9 first time in my life. And I really built a good life when I  
10 got out. I really did. I had a chance, and-- I'm so sorry.

11 Some traumatic things happened, and it led me back  
12 into my addiction, and I couldn't find my way out. And--and--I  
13 mean, it's my fault. I was too weak to get out of it. And I  
14 should have found a way out and I just couldn't do it, and my  
15 addiction got the best of me and led me back here. And I just  
16 hope that I have time to build my life back again.

17 THE COURT: All right. Thank you, sir. I  
18 appreciate that statement, and I will take it into account.

19 All right. Mr. Haag?

20 MR. HAAG: Yes, Your Honor.

21 Your Honor, we would ask that the Court dismiss the  
22 indictment in this case and proceed to sentencing on Count 1 of  
23 the superseding information.

24 THE COURT: That's granted.

25 MR. HAAG: Yes, Your Honor.

1 And I make this argument fully understanding the  
2 Court has rejected the (c)(1)(C). But we still do persist in  
3 our recommendation for a sentence not to exceed 188 months for  
4 the reasons that are set forth in Documents 65 and 72, and we  
5 continue with that recommendation, Your Honor.

6 THE COURT: In essence--again, not to reveal any  
7 information in those documents, but, in essence, you made a  
8 deal; you're sticking by it regardless of new facts and  
9 circumstances that came to light after you made that deal?

10 MR. HAAG: That's correct, Your Honor. The  
11 government's opinion is that we make a deal and we stand by  
12 that deal no matter what happens. And sometimes we make a deal  
13 and we find out things later, but again, that's sort of the  
14 risk that you run and the risk you assume when you make a deal.  
15 Sometimes those things turn out well; sometimes they don't.  
16 But we still believe that, based upon everything that's in  
17 those two documents, a sentence not to exceed 188 months is  
18 appropriate.

19 THE COURT: Okay. Thank you, Mr. Haag.

20 Mr. Haag, do you know any reason why the Court  
21 cannot lawfully impose sentence at this time?

22 MR. HAAG: No, Your Honor.

23 THE COURT: Mr. Hoak?

24 MR. HOAK: No, sir.

25 THE COURT: I am required by statute to impose a

1 sentence that is sufficient, but not greater than necessary, to  
2 comply with the purposes of sentencing set forth in  
3 Section 3553(a)(2), and to consider all of the sentencing  
4 factors listed in that statute, which I have done.

5 I've considered here the nature and circumstances  
6 of your offense. And in 2022, investigators used a  
7 confidential informant to conduct a controlled buy from you at  
8 your residence on two occasions. For the first buy, the  
9 informant obtained 83.65 grams of methamphetamine (actual) in  
10 exchange for \$1200. The second buy, you sold a little over  
11 108 grams of methamphetamine (actual).

12 After those buys, investigators obtained a court  
13 order eventually authorizing the installation of a tracking  
14 device on your vehicle after they learned that you would  
15 frequently travel from Big Spring to Fort Worth to obtain  
16 methamphetamine. Officers conducted a traffic stop eventually  
17 on your vehicle and they discovered two gallon-sized bags  
18 containing 1,842 grams of methamphetamine (actual), along with  
19 a little over \$3,000 in cash.

20 You admitted that you had provided a supplier  
21 \$12,000 in exchange for the 2 kilograms of methamphetamine and  
22 had bought--and you sought, pardon me, to buy Percocet pills  
23 with the cash found in the vehicle.

24 That is a serious offense to say the least. And  
25 that much methamphetamine, that amount, is particularly

1 concerning.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: The type of narcotic here is  
4 particularly addictive and destructive.

5 It's especially concerning in light of another  
6 factor that I consider, which is your history and your  
7 characteristics. This is not the first time you've been  
8 involved with methamphetamine. It's not the first time you've  
9 been convicted of a federal methamphetamine distribution-type  
10 offense.

11 In 2007, you were convicted of conspiracy to  
12 manufacture 50 grams or more of methamphetamine and possession  
13 of pseudoephedrine. That was in the Midland Division of the  
14 Western District of Texas. And initially, you received  
15 151 months, so a significant sentence in that case. You get  
16 out in 2016 on supervised release, and supervised release does  
17 expire.

18 Prior convictions also include escape while  
19 arrested or confined, possession of a controlled substance, and  
20 failure to report an injury/accident at once.

21 It is-- I understand why you would be embarrassed  
22 to be here today. There were a lot of resources provided to  
23 you, like you mentioned, and we certainly hoped for better.  
24 Unfortunately, you were either unwilling or incapable of  
25 avoiding this kind of behavior, and this is very serious

1 behavior, and I can't ignore your repeat criminal conduct, nor  
2 can I ignore your conduct after being incarcerated in this  
3 case. I won't go into detail on the record, but your conduct  
4 while incarcerated just demonstrates a complete disregard for  
5 the law, an incredible danger to society, on top of this  
6 already very concerning set of circumstances.

7 And I did consider the need and I do consider the  
8 need to impose a sentence that does reflect the seriousness of  
9 your offense.

10 I have to promote respect for the law, and at this  
11 point, you have shown little, if any, respect for the law.

12 I have to give a just punishment, afford adequate  
13 deterrence, and protect the public.

14 All of those factors weigh heavily here. So, after  
15 considering those factors, the purposes of sentencing, and the  
16 parties' arguments, I have determined that a sentence of  
17 240 months is sufficient, but not greater than necessary.

18 I believe that the guideline calculations announced  
19 today were correct, but, to the extent they were incorrectly  
20 calculated, I would have imposed the same sentence without  
21 regard to that range, and I would have done so for the same  
22 reasons, in light of the 3553(a) factors.

23 Upon release, you're going to be on supervised  
24 release for a term of 3 years. While on release, you shall  
25 comply with your mandatory conditions of release listed in your

1 presentence report and in Section 3583(d).

2 Mr. Hoak, can you confirm that you and your client  
3 received and discussed my written notice of intent to impose  
4 the standard and special conditions?

5 MR. HOAK: I believe so, Your Honor, yes. Yes.

6 THE COURT: You did?

7 You did review those with your client?

8 MR. HOAK: I believe--

9 THE DEFENDANT: I believe so.

10 Can I ask--

11 THE COURT: Give me one second. We'll take it one  
12 thing at a time.

13 Mr. Hoak, did you file back the copy of the notice  
14 on the docket?

15 MR. HOAK: Yeah, I believe we did, Your Honor.

16 THE COURT: Okay. Well, then, we'll check. Give  
17 me one second.

18 (PAUSE)

19 THE COURT: No, you did not. Okay. Mr. Hoak, you  
20 can approach. I'm going to hand you the original. Why don't  
21 you and your client have a seat at counsel table. You can  
22 review that document. Your client can ask you a question. Let  
23 me know when you are complete.

24 THE DEFENDANT: Can I say something real quick?

25 THE COURT: Talk to your lawyer and then he can



1 speak to me.

2 (MR. HOAK AND DEFENDANT CONFERRING PRIVATELY)

3 THE COURT: Okay, Mr. Hoak. Can you now confirm  
4 that you and your client received and discussed my written  
5 notice of intent to impose the standard and special conditions?

6 MR. HOAK: Yes, sir.

7 THE COURT: Okay. All right. Do you have any  
8 objections to those?

9 MR. HOAK: No, sir.

10 THE COURT: Hearing no objections, they are adopted  
11 today. They will be included in my judgment. I find that they  
12 are reasonable and they relate to all of the appropriate  
13 statutory considerations, and they impose no greater  
14 deprivation of liberty than reasonably necessary under the  
15 statute.

16 Mr. Hoak, was there something else that you needed  
17 to raise from your client?

18 MR. HOAK: Just we would ask the Court to consider  
19 placement in the Lexington facility--federal facility. That's  
20 where the defendant had resided before and said he got some  
21 exceptional counseling. So if the Court could recommend that,  
22 we would appreciate it.

23 THE COURT: Is that in Kentucky?

24 THE DEFENDANT: Yes, sir.

25 MR. HOAK: Yes.

1 THE COURT: Okay.

2 THE DEFENDANT: And it also--it also keeps me away  
3 from any of the people that I've been involved in as far as the  
4 life that I've been involved in. It allows me to get away from  
5 that and that influence.

6 THE COURT: All right. I will make a nonbinding  
7 placement recommendation for FCI Lexington. I am going to add,  
8 or-- Give me one second.

9 (PAUSE)

10 THE COURT: I'll make a nonbinding placement  
11 recommendation for FCI Lexington or an appropriate BOP facility  
12 not in or near Louisiana.

13 Okay--

14 MR. HOAK: Judge, one final matter--thing I'd like  
15 to address. Apparently Mr. Fryar was in state custody prior to  
16 the federal warrant going out, and I believe that was about a  
17 year, but we would ask the Court to consider that in federal  
18 time served.

19 THE COURT: Well, I did consider his history and  
20 circumstances in fashioning this sentence. I'm not authorized  
21 to credit anything. That's for the Bureau of Prisons to do.  
22 That's outside of my purview. I did consider all of his  
23 criminal history in fashioning this sentence, so that is  
24 rejected.

25 I've been informed that FCI Lexington is a medical

1 facility, Mr. Hoak. Give me one second.

2 (PAUSE)

3 THE COURT: Okay. It will be FCI Lexington, if  
4 appropriate--FMC, pardon me--if appropriate, or an appropriate  
5 BOP facility not in or near Louisiana.

6 I'm waiving a fine.

7 You must, however, pay the mandatory special  
8 assessment of \$100. That's due and payable immediately.

9 I will recommend that, while incarcerated, you  
10 receive appropriate substance abuse and mental health  
11 treatment, but I did not lengthen your term of imprisonment to  
12 promote rehabilitation.

13 You do have the right to appeal your conviction and  
14 your sentence. If you'd like to appeal, you need to file a  
15 notice of appeal within 14 days of today in this court. If you  
16 want to do that, just tell your attorney. He's very familiar  
17 with that process, and he can get that done for you.

18 Mr. Hoak, you are retained in this case. Right?

19 MR. HOAK: That's correct, Your Honor.

20 THE COURT: Although your counsel is retained, if  
21 appropriate, he can ask that the costs of the appeal go to the  
22 United States, and not to you.

23 Do you understand those appellate rights, sir?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Okay. All right. Mr. Hoak, anything

1 further from the defense?

2 MR. HOAK: No. Well, one matter, Judge. And your  
3 court personnel told me the answer, but I'm going to go ahead  
4 and request it anyway. I--

5 THE COURT: If she told you the answer, it's the  
6 right answer.

7 MR. HOAK: Well, she told me what you usually like  
8 to do, Judge. I'd like to have the Court enter an order that I  
9 be permitted to withdraw from this matter.

10 THE COURT: How many years have you been  
11 practicing?

12 MR. HOAK: Quite a few, Judge, and this is about  
13 the last one.

14 THE COURT: Well, then, you, of all people, should  
15 know that the courtroom deputy is the most powerful person in  
16 the room. And if she said that the Court doesn't provide those  
17 kinds of forms and that we don't do that for you and that  
18 you're supposed to file a motion, then that's right.

19 I can confirm, although I have an Article III  
20 commission, I still believe that she knows more than me and is  
21 more powerful than I am. That's the person you should be most  
22 kind to and most gentle to and most understanding of.

23 So she was right. We're not going to do that. You  
24 can file a motion if you think that it's appropriate. I'm not  
25 going to issue a sua sponte order, and we don't hand forms out

1 to lawyers. I'm sure you can understand that we're not  
2 permitted to advise people on how to practice law.

3 MR. HOAK: I understand.

4 THE COURT: There are just certain boundaries that  
5 we have to follow.

6 So if you would like to withdraw, I'd be glad to  
7 consider that motion. Don't get me wrong. Just file that  
8 motion. I would advise you, anyway, that most attorneys, when  
9 they'd like to withdraw, most of them file a notice of an  
10 appeal for their client just out of an abundance of caution.  
11 There's some really good defense lawyers behind you. They can  
12 give you some advice if you need it.

13 Anything else, sir?

14 MR. HOAK: No, sir.

15 THE COURT: All right. Mr. Haag, anything else  
16 from the United States?

17 MR. HAAG: No, Your Honor. Thank you.

18 THE COURT: All right. Mr. Fryar, at this time,  
19 you are remanded to the custody of the United States Marshal,  
20 and I do wish you good luck, sir.

21 (END OF HEARING)  
22  
23  
24  
25

1 I, Mechelle Daniel, Federal Official Court Reporter in and  
2 for the United States District Court for the Northern District  
3 of Texas, do hereby certify pursuant to Section 753,  
4 Title 28, United States Code, that the foregoing is a true and  
5 correct transcript of the stenographically reported proceedings  
6 held in the above-entitled matter and that the transcript page  
7 format is in conformance with the regulations of the Judicial  
8 Conference of the United States.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  

6 /s/ Mechelle Daniel DATE JULY 12, 2024

7 MECHELLE DANIEL, CSR #3549  
8 FEDERAL OFFICIAL COURT REPORTER

*Mechelle Daniel, Federal Official Court Reporter  
(806) 744-7667*